

# C A M P A I G N F O R ACCOUNTABILITY

April 24, 2018

Arizona Department of Transportation  
Motor Vehicle Division  
PO Box 2100, MD 555M  
Phoenix, AZ 85001

**By Email:** [ADOTPublicRecords@azdot.gov](mailto:ADOTPublicRecords@azdot.gov)

**Re: Public Records Request**

To Whom It May Concern:

Campaign for Accountability (“CfA”) makes this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, format, medium or physical characteristics, pursuant to the Arizona Public Records Law, A.R.S. § 39-121 *et. seq.*

Specifically, CfA requests the following from the Department of Transportation (the “Department”).

1. Copies of all solicitations, agreements, invoices, or other contractual materials pertaining to the “Choose Life” specialty license plate (the “Plate”) offered by the Department in conjunction with the Arizona Life Coalition (the “ALC”), including, without limitation, copies of any agreements between the ALC and the Department regarding the Plate; and
2. All communications, meeting notices, meeting agendas, informational materials, talking points, or other materials received by the Department from, sent by the Department to, or exchanged between the Department and representatives of the ALC regarding the Plate, including, without limitation, any discussions or communications related to the portion of fee collected by the Department from motorists who opt to pay for the Plate, which proceeds are then passed on to the ALC.

This request is for records from January 1, 2011 to the present.

By way of background, the ALC initially attempted to receive approval for the Plate in 2002, but was rejected by the Department, acting through the Arizona License Plate Commission.<sup>1</sup> The Department’s decision was upheld by a federal district court, but overturned by the Ninth Circuit in 2008.<sup>2</sup> The Plate was subsequently approved by the Department and have been available

---

<sup>1</sup> Anti-abortion slogan OK'd on Arizona license plates, *Reuters*, January 28, 2008, available at <https://www.reuters.com/article/us-abortion-licenseplate/anti-abortion-slogan-okd-on-arizona-license-plates-idUSN2849406920080128>.

<sup>2</sup> *Arizona Life Coalition v. Stanton*, 515 F.3d 956 (9<sup>th</sup> Cir. 2008).

since 2009<sup>3</sup> via the Department's "ServiceArizona" website.<sup>4</sup> All motorists can apply for the Plate, and the Plate carries a \$25 initial application fee along with a \$25 annual renewal fee.<sup>5</sup> Each time a motorist buys or renews the Plate, \$17 of the Department's \$25 fee is passed along to the ALC.<sup>6</sup>

Where possible, please produce records electronically or on a USB drive. CfA seeks records of any kind, including electronic records, audiotapes, videotapes, and photographs. This request includes any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. This request also includes any attachments to these records.

CfA is a non-profit organization and seeks the requested information to inform and educate the public about whether and to what extent proceeds collected by the ALC from motorists who pay for the Plate have been used inappropriately. Accordingly, because CfA does not seek the requested information for commercial purposes, as set forth in A.R.S. § 39-121.03, we request that the requested records be provided without charge. If a fee waiver is not available, please inform me if the cost will exceed \$200.

The Arizona Public Records Statute creates a presumption in favor of immediate access to the documents, A.R.S. § 39-121, and also provides that "[a]ccess to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record." A.R.S. § 39-121.01(E). Courts have construed the term "promptly" to require that public records be produced "at once or without delay." *West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225, 230, 165 P.3d 203, 208 (Ct. App. 2007).

If possible, please email the records to me at [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org). If the records are mailed, please send them to: Campaign for Accountability, 611 Pennsylvania Avenue SE, #337, Washington, DC 20003. If you are unable to meet this statutory mandate, foresee any problems in releasing the requested records in whole or in part, or have any questions about this request, please contact me at 202-780-5750. I welcome any discussion related to how the scope of this request could be modified to help the Department more efficiently fulfill it. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E. Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens  
Executive Director

---

<sup>3</sup> [www.chooselifearizona.org/plates](http://www.chooselifearizona.org/plates).

<sup>4</sup> <https://servicearizona.com/applicationFAQ/plate#specplateinfo>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*